

phone, but we have considered it back and forth a number of times and it seems to be the only way we can possibly keep the tape accurate. There is no way other than that for one listening to the tape to know who is speaking. The person operating the console also tells me it is impossible for her to know what switch to throw if several people are on the floor unless I announce the name. So please pause long enough to let me state the name. Delegate Hargrove.

DELEGATE HARGROVE: Delegate Grant, I think the Committee and myself are certainly in favor of the idea, but I would like to ask you this. If this amendment were adopted in its present language would it not preclude a judge coming from somewhere else who resided, say, in Garrett County, for example, if the judge became sick?

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: No, I do not believe it would. This is a very common occurrence and it is provided for that not only may judges transfer between courts, they may also transfer between levels of courts. I take from the Committee's explanation that there would be no difficulty in this at all.

THE CHAIRMAN: Delegate Hargrove.

DELEGATE HARGROVE: It seems to me in putting this in the constitution with the prior sentence saying "there shall be a resident judge in every county" and you then designate that resident judge as one who sits in this division, the section is somewhat restrictive. Perhaps there is another amendment coming around.

THE CHAIRMAN: Delegate Grant.

DELEGATE GRANT: I do not see that difficulty with it but I am open to something that someone might suggest.

THE CHAIRMAN: Delegate Chabot.

DELEGATE CHABOT: Mr. Chairman, may I ask this. Perhaps the best way of putting this is to ask Delegate Grant if he will yield for a question. Perhaps the substitute can be made a part of the original amendment without a vote.

THE CHAIRMAN: We could do that or perhaps just as simply offer the substitute so that everyone will see it. I think this would be an appropriate time.

DELEGATE CHABOT: I would call out amendment marked AT. Please mark this Amendment No. 9, offered as a substitute

for Amendment No. 8. The Clerk will read the amendment.

READING CLERK: Amendment No. 9 to Committee Recommendation JB-1, by Delegate Chabot: On page 3 section 5.08 Composition of Superior Court line 12 after the period insert the sentence: "A Superior Court judge shall sit regularly in each county."

THE CHAIRMAN: Is the amendment seconded?

*(Whereupon, the amendment was seconded.)*

THE CHAIRMAN: The amendment having been seconded, the Chair recognizes Delegate Chabot to speak to the amendment.

DELEGATE CHABOT: The purpose of the amendment is essentially the same as the purpose of Amendment No. 8 except that I suggest that it retains the maximum flexibility possible in that it does not absolutely require that the same person who is the judge who is resident in the county be the one who is sitting regularly in the county.

It also eliminates the problem, which the sponsors of Amendment No. 8 agree to eliminate, by striking reference to a division.

I would ask if the sponsors would agree at this point to substitute Amendment No. 9 for their amendment.

THE CHAIRMAN: Delegate Grant, you have been asked whether you would agree to the substitution of Amendment No. 9 for Amendment No. 8. Delegate Grant.

DELEGATE GRANT: May I answer in just a moment?

THE CHAIRMAN: Yes. While Delegate Grant is doing that, I am very sorry to tell you that the doctor has ordered the First Vice President Clark home. As many of you know, he has been suffering from a very heavy cold for the past ten days. He has been urged to stay home, but has been most reluctant to do so. The doctor has finally taken the matter in hand and has sent him home. I am sure we hope he will be back with us in a very few days. Delegate Grant.

DELEGATE GRANT: I would like to ask a question of Delegate Chabot.

THE CHAIRMAN: Delegate Chabot, do you yield to a question from Delegate Grant?